

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHER DISTRICT OF ALABAMA  
MIDDLE DIVISION**

<b>WENDY KING,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CV- 08-RRA-868-M</b>
	)	
<b>DURHAM &amp; DURHAM, LLP, and</b>	)	
<b>PETER D. DURHAM, ESQ.,</b>	)	
	)	
<b>Defendants.</b>	)	

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**MEMORANDUM OPINION**

This case comes before the court on the motion to dismiss the counterclaim filed by the defendant. (Doc. 6.) The magistrate issued a report and recommendation on December 9, 2008, and recommended that the motion be denied. (Doc. 13.) The time for filing objections to said report has now expired and no objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. An appropriate order will be entered.

**DONE** this the 6th day of January, 2009.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written over a horizontal line.

**VIRGINIA EMERSON HOPKINS**

United States District Judge